

REMARKS/ARGUMENTS

Claims 1-24, 44 and 46 are canceled.

Support for each amended claim is found at the originally filed claims and throughout the specification.

Upon entry of the amendment, Claims 25-43, 45 and 47 will be active.

No new matter is believed to have been added.

The indefiniteness rejections of Claims 25-39 and 43-45 are believed to be obviated by amendment of the claims. Withdrawal of the rejection is respectfully requested.

Applicants respectfully traverse the obviousness rejection of Claims 23-31, 33-45 and 47 as being unpatentable over Pompe in view of Singh and Richter.

The rejection of Claims 24 and 44 is obviated by cancellation of these claims.

Applicants traverse the obviousness rejection because none of the cited references describe or suggest the limitation, found for example at Claims 25 and 40, that the at least one metal nanoparticle of the metal complex-nucleic acid cannot be visualized by atomic force microscopy, or the resulting advantage accruing therefrom, that the at least one nanoparticle of the composite is not substantially wider than the DNA itself (please see page 4, paragraph 3 for this advantage). Withdrawal of the rejection is respectfully requested.

The obviousness rejection of Claim 32 as being unpatentable over Pompe in view of Singh, Richter, and Newsman is respectfully traversed because none of the cited references describe or suggest the limitation, found for example at Claims 25 and 40, that the at least one metal nanoparticle of the metal complex-nucleic acid cannot be visualized by atomic force microscopy, or the resulting advantage accruing therefrom, that the at least one nanoparticle of the composite is not substantially wider than the DNA itself (please see page 4, paragraph 3 for this advantage). Withdrawal of the rejection is respectfully requested.

Applicants respectfully request that the Office withdraw the provisional double patenting rejection and, when this application passes to issue, apply the rejection non-provisionally to the claims of Application No. 10/210,812.

Applicants respectfully submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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